

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

SHELBY TRAILER SERVICES, L.L.C.,      )  
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Plaintiff,                                    )  
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    )  
vs.    )      Case Number CIV-08-586-C  
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RAMPAK GROUP, INC.,                        )  
    )  
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    )  
Defendant/Third Party Plaintiff,        )  
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    )  
vs.    )  
    )  
    )  
DINGYO CONSTRUCTION CORP.,            )  
    )  
    )  
    )  
Third Party Defendants.                    )

MEMORANDUM OPINION AND ORDER

On September 22, 2008, Defendant/Third Party Plaintiff Rampak Group, Inc. (“Rampak”), filed a Third-Party Complaint against Dingyo Construction Corp. (“Dingyo”), claiming it was entitled to indemnity from the claims asserted by Plaintiff. Rampak obtained from the Court Letters Rogatory for service on Dingyo. On April 13, 2009, Rampak filed a Certificate asserting that Dingyo had been properly served on January 16, 2009. To date Dingyo has failed to Answer or otherwise plead in this matter. Rampak now seeks entry of default judgment against Dingyo.

Attached to Rampak’s motion is an affidavit from counsel as well as other documents setting forth the amount of loss suffered by Rampak as \$225,000.00. Rampak has also

pleaded facts which, when accepted as true, demonstrate it is entitled to indemnity from Dingyo for those losses. Rampak also requests an award of attorneys' fees and costs and requests the Court set that issue for hearing. After review of the materials provided by Rampak and the Court's docket in this matter, the Court finds Rampak is entitled to default judgment against Dingyo in the amount of \$225,000.00. As for Rampak's request for attorneys' fees, prior to the Court setting the matter for hearing, Rampak shall submit a properly supported application for fees as set forth in Fed. R. Civ. P. 54 and LCvR54.2. After review of Rampak's motion, the Court will determine if a hearing is necessary.

Accordingly, Rampak's Motion for Entry of Default Judgment (Dkt. No. 42) is GRANTED. A separate judgment shall issue.

IT IS SO ORDERED this 12th day of August, 2009.



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ROBIN J. CAUTHRON  
United States District Judge